



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Monday, May 12, 2008

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council member Philip M. Goldstein, Ward 7

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20080521 Marietta Citizens' Police Academy Graduates

The following are graduates of the Marietta Citizens' Police Academy.

Wayne Felix

Moc Ly

Josh Soufastai

James Leslie

Janice Bethards

Ronald Mason

Rita Neal

Cathy Smith

Kim Rhoades

Verena Wulf

Dena Gaylor

PROCLAMATIONS:

20080507 Commendation for Officer Irwin

Commendation of Officer Irwin for his heroic efforts showing outstanding focus, skill and dedication in saving the life of a three month-old baby.

20080513 Salvation Army Week May 12-18, 2008

Proclamation to be received by Captain Art Fultz declaring May 12-18, 2008 as Salvation Army Week.

20080514 Proclamation for Coach Friday Richards

Proclamation honoring Coach Friday Richards for his dedication and service at Marietta High School.

20080516 Sexual Assault Awareness Day

Proclamation to be received by Susan Roberts with the YMCA declaring April 24, 2008 as Sexual Assault Awareness Day.

ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:*** 20080462 Regular Meeting - April 16, 2008**

Review and approval of the April 16, 2008 regular meeting minutes.

MAYOR'S APPOINTMENTS:**20080483 Marietta Housing Authority Commission (Resident)**

Appointment of Ruben Sands to the Marietta Housing Authority Commission for a term of five years to fill the resident post. The term of office will become effective on May 30, 2008 and will expire on May 29, 2013.

CITY COUNCIL APPOINTMENTS:**20080393 Board of Appeals - Construction, Building, Electric, Plumbing**

Appointment to the Board of Appeals for Construction, Building, Electric, Plumbing, etc. (Ward 7), to fill the expired term of Joseph Van Horn. The appointment would be for a term of five years effective immediately and expiring on January 31, 2013.

20080401 Clean City Commission Appointment - Ward 1

Appointment of Kappy S. Kelly to the Clean City Commission (Ward 1) for a term of two years, effective immediately upon appointment and expiring May 14, 2010.

*** 20080403 Planning Commission (Ward 1)**

Appointment of Ann Watkins to the Planning Commission, Ward 1, to fill the expired term of William Florence for a term of three years beginning June 1, 2008 and expiring on May 13, 2011.

ORDINANCES:*** 20080399 Code Enforcement - 417 Edwards Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 417 Edwards Drive.

Listed Owner: Frantz & Jean Jules

Certified mail receipt not received as of 04-30-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080471 Code Enforcement - 409 Water Oak Way**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 409 Water Oak Way.

Listed Owner: Catherine Lello Phillips

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080473 Code Enforcement - 380 Pleasant Oak Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 380 Pleasant Oak Court.

Listed Owner: Thomas R. Dunlap

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080475 Code Enforcement - 1196 Beech Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 1196 Beech Street.

Listed Owner: Castro Caeri & Toledo Dilma

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080476 Code Enforcement - 879 Meadow Place**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 879 Meadow Place.

Listed Owner: Zuniga Jose E

Certified mail receipt not received as of 04/28/08

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080486 Code Enforcement - 280 Grover Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 280 Grover Street.

Listed Owner: Lawton W. Evans, Jr.

Certified mail receipt not received as of 04-30-08.

Taxes paid: Unpaid, in the amount of \$1,547.85

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080487 Code Enforcement - 482 Hyde Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 482 Hyde Drive.

Listed Owner: Sammie Jean & Betty Louise Stacy JT/WROS

Certified mail receipt received 03-28-08; not signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080491 Code Enforcement - 250 White Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 250 White Street.

Listed Owner: Tucker C. Lyndell

Certified mail receipt received 04-28-08; not signed by owner.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080493 Code Enforcement - 445 Virginia Place**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 445 Virginia Place.

Listed Owner: Olu & Abiola Awotona

Certified mail receipt not received as of 04-30-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080502 Code Enforcement - 254 Polk Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 254 Polk Street.

Listed Owner: Loretto Bobo

Certified mail receipt not received as of 05-02-08.

Taxes paid: Unpaid, in the amount of \$2,325.60.

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

20080354 Z2008-03 Gene Atkinson (First Methodist Church) 75, 87 and 99 Polk Street

Z2008-03 [REZONING] GENE ATKINSON request rezoning for property located in Land Lot 1219, District 16, Parcels 520, 020 and 0500, 2nd Section,

Marietta, Cobb County, Georgia and being known as 75 Polk Street, 87 Polk Street and 99 Polk Street from PRD-MF (Planned Residential Development Multi-Family) to OI (Office Institutional). Ward 3.

Planning Commission recommends approval w/stipulation

Vote: 7 - 0 - 0

Stipulations: The use of this property be limited to church related uses, a community center, park or recreational facility.

Public Hearing (all parties are sworn in)

20080346 Z2008-04 Mary Lorraine Morrison-Ross and William L. Ross 317 Camp Street

Z2008-04 [REZONING] MARY LORRAINE MORRISON-ROSS AND WILLIAM L. ROSS request rezoning for property located in Land Lot 1148, District 16, Parcel 0790, 2nd Section, Marietta, Cobb County, Georgia and being known as 317 Camp Street from R-3 (Single Family Residential - 3 units/acre) to PRD-SF (Planned Residential Development - Single Family). Ward 4.

Planning Commission recommends approval w/stipulation

Vote: 7 - 0 - 0

Stipulation: That the addition be sprinkled as stipulated by the Marietta Fire Department.

Public Hearing (all parties are sworn in)

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20080454 CA2008-02 Proposal to amend the Comprehensive Development Code of the City of Marietta relating to Section 708, Places of Assembly

CA2008-02 [CODE AMENDMENT] Amendment to the Comprehensive Development Code. Proposal to amend Section 708 of the Comprehensive Development Code of the City of Marietta specifically related to Places of Assembly.

Planning Commission recommends this matter be tabled.

Vote: 6 -1 - 0 Mrs. Sonnenfeld opposed.

Motion: Mr. Carter made a motion to give the church thirty (30) days to be able to work out whatever business is to be done, seconded by Mr. Parker.

Mr. Kinney made a substitute motion to progress this proposed change to this ordinance to city council with a recommendation that it be delayed for a period of time so that explanations can be passed out to the community as to exactly what is involved, seconded by Mr. Parker.

Chairman Dollar offered an amendment to Mr. Kinney's motion to specify a 60 day period; Mr. Kinney accepted Chairman Dollar's friendly amendment and included it as part of his motion, seconded by Mr. Carter.

Stipulations: n/a

Public Hearing (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

* **20080309 FY08 CDBG Sub-recipient Agreement**

A Resolution authorizing the execution of the FFY'08 CDBG Program Subrecipient Agreement with Cobb County.

2. Finance/Investment: Annette Lewis, Chairperson

* **20080361 Marietta Fire Donation**

Ordinance appropriating \$560 donation from Marietta Wine Market, LLC for smoke detector program.

Council member Goldstein disclosed that the owner(s) of Marietta Wine Market, LLC is one of his tenants.

* **20080409 800 MHz Radios Purchase**

Ordinance approving an amendment to the Fiscal Year 2008 SPLOST Fund Budget to reduce the budget allocated for the purchase of 800 MHz radios based on the amended contract with Cobb County

* **20080410 Golf Course Bond Series 2008**

Resolution approving the DMDA Refunding Revenue Bond (Public Golf Course Project), Series 2008, in the principal amount of \$4,835,000

* **20080426 Anti-gang Initiative**

Approval of an Ordinance amending the Fiscal Year 2008 Budget to receive and appropriate pass-through grant funding from the Department of Justice for the Franklin Road Anti-gang Initiative for the Weed and Seed Program.

* **20080439 Amendment to the Police FY08 Budget**

Approval of an Ordinance amending the Fiscal Year 2008 Police Asset Forfeiture Fund budget to receive and appropriate \$60,000 in federal revenue.

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

* **20071431 Portable Storage Units**

Motion to authorize advertisement of the proposed amendments to the Zoning Code Division 710 Supplementary District Regulations, paragraph 710-07 Storage.

* **20080206 Cell Tower Agreement**

Motion approving an amendment to the Site Lease between Downtown Marietta Development Authority, ("Landlord"), and T-Mobile South LLC, a Delaware limited liability company, as successor in interest to Powertel/Atlanta, Inc. ("Tenant") for 287 Redwood Drive, Marietta, Georgia.

* **20080441 133 Rigby Street**

Motion to approve the Detailed Plan for 133 Rigby Street in Land Lot 12160, 16th District, 2nd Section, Marietta, Cobb County, Georgia, with the following stipulations:

- 1) The proposed house will be built as indicated in the drawing by Residential Plus, Inc. labeled Attachment 'A' and the photograph labeled Attachment 'B'.
- 2) In those instances where there are conflicts between architectural details (ie. board and batten shutters, tapered columns, etc) identified in the drawing labeled Attachment 'A' and the photograph labeled Attachment 'B', the drawing labeled Attachment 'A' shall override.

* **20080512 Advertisement to rezone 133 Rigby Street**

Motion to authorize advertisement to rezone the property at 133 Rigby Street to R4.

* **20080497 Quitclaim Deed**

Motion to approve a Quitclaim Deed for property located at 307 Page Street. This Motion is contingent on the completion of the closing on the property being sold by the city to First Landmark Bank. The deed authorized hereby shall be held in escrow by the city attorney until the completion of such closing.

Council member Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building.

20080498 American Transit Systems

Motion to approve the assignment of the rights and responsibilities of American Transit Systems Inc., in Agreement number 1864 "Bus Stop Shelter Agreement" between the city and American Transit System, to Signal Outdoor Advertising, LLC. Further, any monies due to the city shall be paid prior to the transfer.

Council member Goldstein disclosed that American Transit Systems or similar entity or representative was a tenant of his; however, neither is currently a tenant.

* **20080440 Historic Preservation - Brumby House**

Motion to authorize the Historic Preservation Commission to conduct and prepare a report on historic, cultural, architectural or aesthetic significance of the place, district, site building or structure or work of art proposed for designation of Brumby Hall located at 472 Powder Springs Street as an Historic Landmark, with a stipulation that the Design Guidelines shall not prohibit tents and gardens.

* **20080508 Historic Preservation - Clarke Library**

Motion to authorize the Historic Preservation Commission to conduct and prepare a report on historic, cultural, architectural or aesthetic significance of the

place, district, site building or structure or work of art proposed for designation of the Clarke Library located at 156 Church Street as an Historic Landmark.

Council members Pearlberg and Goldstein voting against.

* **20080509 Historic Preservation - Marietta Water Works Building**

Motion authorizing the Historic Preservation Commission to conduct and prepare a report on historic, cultural, architectural or aesthetic significance of the place, district, site building or structure or work of art proposed for designation of the Marietta Water Works Building located at 426 North Sessions Street as an Historic Landmark.

Council members Pearlberg and Goldstein voting against.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

* **20080423 Marietta Fine Art Show beer and wine consumption.**

Motion to conduct sales of beer and wine during the Marietta Fine Art Show as request by the Marietta Business Association.

Council member Goldstein disclosed that he is a member of the Marietta Business Association.

* **20080412 Classic Golf Management Independent Contractor Contract**

Motion to approve the First Amendment to the Independent Contractor Contract between the City of Marietta, Georgia (the "City"), a municipal corporation duly created and existing under the laws of the State of Georgia, and Classic Golf Management, Inc., a Georgia corporation (the "Operator").

* **20080501 Spillway Repairs at Laurel Park**

Ordinance approving a budget amendment to the Fiscal Year 2008 City General Fund budget to allocate \$50,000 from reserves to improve the spillways in Laurel Park.

* **20080517 Park Improvements Budget Amendment**

Approval of an Ordinance amending the the Fiscal Year 2008 Budget to appropriate \$225,000 from the Whitaker Fund and transfer to the General Fund, to appropriate \$186,200 from General Fund reserves, and to use \$172,000 of budgeted discretionary funds to fund Parks Improvements as follows: 1) replace a pedestrian bridge at Burruss Park for \$65,000, 2) replace tennis court fencing at Laurel Park for \$165,000, 3) pave parking area adjacent to the tennis courts and playground at Lewis Park for \$45,000, 4) replace the tennis court fencing at Lewis Park for \$88,200, 5) make entrance improvements at Merritt Park for \$20,000, 6) replace the driveway and parking lot at Merritt Park for \$60,000, 7) replace the bridge at Wildwood Park for \$90,000, and, 8) install new entrance and identification signs at all parks for \$50,000.

Item added by Council member Holly Walquist, Ward 3

Council member Lewis voting against.

20080518 Budget Amendment for Hickory Hills Park Improvements

An Ordinance approving an Amendment to the Fiscal Year 2008 Budget to appropriate \$100,000 from the Whitaker Fund and transfer to the General Fund,

to receive and appropriate \$100,000 from CDBG, and to appropriate \$100,000 from General Fund reserves for phase I renovations of Hickory Hills Park.

Item added by Council member Holly Walquist, Ward 3

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20080420 Reorganization of Public Works Department**

Ordinance amending the FY 2007-2008 City of Marietta/BLW Position Allocation Chart and the Pay and Classification Plan in order to reorganize certain divisions in the Public Works Department.

20080404 Marietta Redevelopment Corporation Appointment

Appointment of Mark Gibbs to the Marietta Redevelopment Corporation (MRC) to fill the expired term of Marcelle David for a two-year term beginning May 13, 2008 and expiring April 10, 2010.

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20080402 Standard Operating Procedures**

Motion to adopt amendments to Marietta Police Department Standard Operating Procedures: A041 Organizational Structure, A042 Awards and Commendations, A052 Detention and Housing of Detainees, E010 Special Response Team, P010 Patrol Operations, P045 Search and Seizure, and S030 Criminal Investigations.

7. Public Works Committee: Jim King, Chairperson

*** 20080431 Parking at the Strand Theater**

Motion to install "Strand Contractor Parking Only - Between 7 am and 7 pm Weekdays" along Cherokee Street between N Park Square and Dobbs Street excluding the closest 3 spaces South and 2 spaces North of Hansel Street. The Public Works Director is authorized to remove said parking signs upon completion of the current Strand Theater renovation.

Council member Goldstein disclosed that he is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc.

Council member Pearlberg voting against.

*** 20080453 Parking Deck Study - Motion by DMDA**

Approval of a Motion (Option #1, submitted at Committee) made by the DMDA to spend \$3,000, subject to the availability of DMDA funds, after a review of the budget for a parking deck study (costing \$27,750) with the city and Cobb County splitting the remainder of the cost.

SCHEDULED APPEARANCES:

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UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

20080500 Amendment to Marietta City Code 7-8-8-080 (Board of Review)

Motion to approve an amendment to the Marietta City Code Section 7-8-8-080 (Board of Review) and any other code sections related thereto. The amended and restated Code Section is attached hereto and incorporated herein by reference.

Item added by Mayor Bill Dunaway

20080540 Amendment to Marietta City Code 7-8-8-080 (Board of Review)

Motion to approve an amendment to the Marietta City Code Section 7-8-8-080 (Board of Review) and any other code sections related thereto. The amended and restated Code Section is attached hereto and incorporated herein by reference.

Item added by Councilman Grif Chalfant, Ward 2

*** 20080522 Property acquisition at 1294 Roswell Road**

Motion to authorize the acquisition of a portion of 1294 Roswell Road through the process of eminent domain. The city attorney is hereby authorized to take any and all action necessary to acquire such property through eminent domain including the right to file any appeals in this matter to any court.

*** 20080523 Acquisition of property at 1574 Lower Roswell Road and 1590 Roswell Road**

Motion to authorize the acquisition of a portion of 1574 Lower Roswell Road and 1590 Roswell Road through the process of eminent domain, the amount of land being acquired is set for in documentation on file in the public works department. The city attorney is hereby authorized to take any and all action necessary to acquire such property through eminent domain including the right to file any appeals in this matter to any court.

*** 20080526 Acquisition of property at 942 Roswell Street**

Motion to authorize the acquisition of property located at 942 Roswell Street for the purchase price of \$1,300,000 subject to the successful Phase II Environmental Site Assessment. Further, this property acquisition is under the threat of condemnation.

Council member Pearlberg voting against.

*** 20080527 Acquisition of Property at 569 N Fairground Street**

Motion to authorize the acquisition of property located at 569 N Fairground Street for the purchase price of \$238,700.

20080463 BLW Actions of May 12, 2008

Review and approval of the May 12, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

ADJOURNMENT: